

GAHC010214122024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/3153/2024

MOJIBUR RAHMAN AND 3 ORS
S/O LATE ABDUL RAHMAN
RESIDENT OF NAHARKATIA TOWN, WARD NO. 3, PO NAHARKATIA, DIST
DIBRUGARH, ASSAM 786610

2: MD. MAHIBUR RAHMAN
S/O LATE ABDUL RAHMAN
RESIDENT OF NAHARKATIA TOWN
WARD NO. 3
PO NAHARKATIA
DIST DIBRUGARH
ASSAM 786610

3: MD. SAFIULLA RAHMAN
S/O LATE ABDUL RAHMAN
RESIDENT OF NAHARKATIA TOWN
WARD NO. 3
PO NAHARKATIA
DIST DIBRUGARH
ASSAM 786610

4: MD. MOBIDUL REHMAN
S/O LATE ABDUL RAHMAN
RESIDENT OF NAHARKATIA TOWN
WARD NO. 3
PO NAHARKATIA
DIST DIBRUGARH
ASSAM 78661

VERSUS

BHARAT CHOUBEY @ BHARAT CHANDRA CHOUBEY
S/O LATE SUKHDEV CHOUBEY,
RESIDENT OF WARD NO 13, SIVASAGAR TOWN, PO AND DIST SIVASAGAR,

ASSAM 785640

Advocate for the Petitioner : MR. S DUTTA, MS S MOCHAHARI, MR. A BISWAS, MR SISHIR DUTTA

Advocate for the Respondent : MR H P GUWALA, MR. B K DAS

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 20.11.2024

Heard Mr. S. Dutta, learned Senior counsel, assisted by Mr. S. Dutta, learned counsel for the applicants and Mr. H.P. Neog, learned counsel for the opposite party.

2. This interlocutory application, under Section 5 Limitation Act, 1963 is preferred by the applicants for condonation of delay of 13 days in preferring the connected revision petition against the order dated 19.08.2024, passed by this Court in CRP(IO) No. 306/2024.

3. Mr. Dutta, learned Senior counsel for the applicants submits that the delay has been explained in the paragraph No. 9 of the application, wherein it is stated that while the order was passed on 19.08.2024, in CRP(IO) No. 306/2024, the certified copy of the order was obtained on 22.08.2024, and that the delay is not deliberate and intentional, rather it is circumstantial and therefore, it is contended to condone the same.

4. On the other hand, Mr. Neog, learned counsel for the opposite party submits that there is delay of 42 days in preferring the connected review petition and that he has objection in condoning the same.

5. Having heard the submissions of learned Advocates of both sides, I have

carefully gone through the application and the documents placed on record.

6. It appears that the delay of 13 days is sufficiently explained in the paragraph No. 9 of the application.

7. Having considered above, and also considering the facts and circumstances on the record, this Court is inclined to condone the delay of 13 days in preferring the connected review petition.

8. In terms of above, this I.A. stands allowed.

9. Registry shall proceed to register the connected review petition and thereafter, list the same before this Court as soon as practicable.

JUDGE

Comparing Assistant